IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14216 of 2004

Between:

Smt. Landu Savithramma W/o Chandra Sekhar Reddy
Thondavada Village, Chandragiri Mandal
Chittoor District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Tirupati, Chittoor District.
2 The Mandal Revenue Officer, Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, order or direction, more particularly in the nature of Writ of Mandamus, declaring the action of the 1st respondent Authority in proceedings No. Roc. G/1089/2004, dated 29-07-2004 as arbitrary, illegal null and void and is against the principles of natural justice and norms of the public policy and contrary to the provisions of Section 5 of the Andhra Pradesh Rights in Land and Pattadar Pass Book Act, 1971.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORAL ORDER:

Heard both the learned Counsel and at their request the main writ petition itself is being disposed of.

The petitioner herein filed this Writ Petition, *inter alia*, seeking to assail the impugned orders dated 29-07-2004 passed by the 1st respondent-Revenue Divisional Officer, Chitoor District, whereunder the pattadar passbook and title deed are sought to be cancelled. Several contentions have been urged in respect of the petitioner's claim on title, right and interest as such. However, having regard to the fact that the impugned orders are passed without any notice to the petitioner, whose pattadar passbook and title deed are sought to be cancelled. It is too late in the day to say that any order can be passed without giving any notice or an opportunity being provided to the petitioner who is directly affected. Accordingly, the impugned order is set aside, however, it is open for the competent authorities to take appropriate action in accordance with law, after giving notice and opportunity to both sides.

The Writ Petition is accordingly allowed. No costs.

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11-08-2004

es/ksmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.2CCs to

2.2CD copies